Abstract Proceedings of the Travancore Legislative Council.

The Council met in the Dewan's room, Public Offices, at 12 noon, on Thursday the 13th June 1918/31st Edavam 1093.

Present.

DEWAN BAHADUR M. KRISHNAN NAIR ESQ., B. A. & B. L., DEWAN.....*Presiding.*

V. Subba Aiyar Esq., B. A. & B. L.
N. Subrahmanya Aiyar Esq., M. A.
R. Mahadeva Aiyar Esq., B. A.
Rao Bahadur K. V. Rengaswami Aiyangar Esq., M. A.
N. Raman Pillai Esq., B. A.
John Kuriyan Esq., B. A., B. C. E.
I. C. Chacko Esq., B. A., B. Sc.
N. Raja Ram Rao Esq., B. A.
K. Parameswaran Pillai Esq., B. A. & B. L.
Paul Daniel Esq., M. A. & L. T.
A. Govinda Menon Esq., B. A.
M. Subrahmanya Pillai Esq.
K. A. Krishna Aiyangar Esq., B. A. & B. L.
R. Gopala Pillai Esq., B. A. & B. L.

K. Narayanan Pandalay Esq., B. A. & B. L.....*Secretary.*

The Secretary reported that the Cattle Trespass Regulation Amendment Bill, finally passed by the Council on the 21st March 1918, received the assent of His Highness the Maha Raja on the 5th May 1918, and that it became law as Regulation II of 1093.

THE ANIMALS DISEASES BILL.

Mr. Subba Aiyar presented the report of the Select Committee on the Animals Diseases Bill, and moved that the report and the Bill be taken up for consideration at once.

Seconded by Mr. Subrahmanya Aiyar.

Carried.

SECTION 2.

Mr. Krishna Aiyangar moved that the words 'bulls, cows' be inserted between the words 'asses' and 'rams' in line 4 of Section 2.

The amendment was accepted by Mr. Subba Aiyar, and it was carried.

SECTION 5.

Mr. Subrahmanya Pillai moved that the words 'resort to the place and' be inserted between the words 'as soon as practicable' and 'examine' in lines 1 and 2 of the Section, and spoke as follows:—

"Sir,

According to Section 4 of the Bill, the owner of an animal affected with disease has to give immediate notice of the fact to the Inspector of the nearest hospital pound. There are several ways by which such a notice can be given, but it is quite clear that the owner is not bound to take the animal along with him or to send it to the hospital pound while giving such notice.

Again, Section 5 requires the Inspector to examine the animal, as soon as practicable, to find out the nature of the disease and with a view to its segregation in the hospital pound. It does not clearly show whether, for the purpose of examination, the Inspector should go to the place where the animal is kept, or he could ask the owner to bring the animal to the hospital pound. I think that the idea of the Member in charge of the Bill is that the Inspector, on receiving the notice, should go to the place and examine the animal. In that case, in order to make the meaning clear, the amendment which I have proposed may be adopted. Even if that is not his idea, I am for the amendment, for, I do not think it advisable to give the diseased animal the unnecessary trouble of walking to the hospital pound, sometimes located at a distance."

Seconded by Mr. Daniel.

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Mr. Subba Aiyar : —

"The only obligation cast upon the owner of the diseased animal by Section 4 is that he should separate the diseased animal from the rest, and that he should give information to the Inspector, of the animal being diseased, as early as practicable. The owner is not bound to take the animal to the Inspector at all. If he so chooses, he may take the animal to the Inspector. The idea is that, as far as possible, the Inspector himself should go to the spot and examine the animal. Without the amendment, the Section means that. It will be in the discretion of the owner of the animal either to take it to the Inspector or to inform him of the disease. I therefore think that there is no necessity for the amendment proposed."

After hearing Mr. Subba Aiyar's explanation, the amendment was withdrawn by Mr. Subrahmanya Pillai.

SECTION 9.

Mr. Subrahmanya Pillai moved that the whole of the first para and the words 'shall have been destroyed, or' in the second para, be deleted, and said :—

"Section 9 provides for the destruction of certain animals affected with disease. The Bill aims at making the segregation of diseased domestic animals effective, and I think we can attain this object without their destruction. Even in the case of human beings where we have to be far more careful, we do not advocate such a process. Why not apply the same principle in the case of animals also? It is in the power of Government to make segregation still more effective by ordering the removal of such animals to a distant locality. That will be the most effective method of preventing the spread of contagion and infection among domestic animals. Again, I have already said when the Bill was introduced, that the Hindus do not consider this form of treatment as humane. They take very great objection to the destruction of animals on the ground of incurable diseases. I have also said that this Council itself is not in a position to decide whether allowing a lingering natural death or immediate destruction is more humane. So let us apply in the case of animals the same principle as in the case of human beings and make segregation as effective as possible. But let us take away from the Bill the Clause empowering the Inspectors of hospital pounds to destroy animals affected with disease. Hence, I propose the present amendment."

Seconded by Mr. Krishna Aiyangar.

Mr Subba Aiyar:—

"With reference to this, I may say that the object of the Section is twofold. The prevention of the spread of infectious diseases is the main one. The animal may be suffering from a contagious disease which may be incurable. Unless the animal is destroyed, it may be that the disease will spread. Another object of destroying the animal is consideration for the animal itself. Similar provisions are to be found in Regulation IV of 1079, providing for the prevention of cruelty to animals. The Inspector has the power to destroy the animal only in exceptional cases and subject to such rules as may be framed by the Government. It is with these objects that the Section has been framed. I therefore oppose the amendment proposed."

Mr. Subrahmanya Pillai :—

"The arguments advanced by Mr. Subba Aiyar are not convincing. I request that votes be taken."

President:—

"After all, this provision is not a novel one. It is introduced in the interests of the animals themselves and their owners. The Government of course have no special interest in this matter. I think that, in the interests of the people, the power of destruction proposed to be given to the Inspector is necessary. Of course, care will be taken in the rules to be framed to see that the Inspector exercises proper discretion in destroying diseased animals. If he goes beyond the rules, certainly he will be punished by the Department and the Government. He will not be allowed to have his own way in the matter."

Mr. Krishna Aiyangar:—

"At any rate, the power may be restricted to the cases where it is necessary to prevent the spread of infectious diseases. I think that is the ultimate object of the Bill. What I say is that there may be extreme cases where it may be necessary to destroy the animal for preventing the spread of the disease. If destruction is restricted to these cases, perhaps the objection to the provision may not be very substantial."

Mr. Subrahmanya Pillai's motion was put to the vote and lost.

Mr. Subrahmanya Pillai next moved that the words 'in the hospital pound' may be inserted at the end of the first para of Section 9, and said:—

"The object of the amendment is to limit the powers of the Inspector of the hospital pound, so that he may not wander about ordering unwilling owners to carry out this easy method of preventing the spread of the disease. This would prevent the Inspector from abusing the power entrusted to him. What I mean is that the Inspector may have power in regard to the destruction of animals in the hospital pound, *i. e.*, the destruction must be done within the premises of the hospital pound."

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Seconded by Mr. Krishna Aiyangar.

Mr. Subba Aiyar opposed the motion.

After some discussion, the motion was put to the vote and lost.

SECTION. 10.

Mr. Subrahmanya Pillai moved that the words 'and that in such cases as the animals treated belong to the agricultural live-stock, the owners shall not be required to pay the cost of the treatment' be inserted at the end of the Proviso, and said:—

"Government have recently exempted agricultural live-stock from payment of the cost of medicine and treatment in all the Government Veterinary hospitals of the State. I think that such a concession is shown with a view to popularising the western form of treatment and also to making it accessible to the poorest ryot in the State. I think that the same concession may be shown in the case of animals affected with infectious diseases, when they are compulsorily taken to the hospital pound for treatment."

Mr. Gopala Pillai, in seconding the motion, said:—

"I beg to submit that this Regulation makes provision only for cases of animals affected with infectious diseases and not with all kinds of diseases. In the case of an infectious disease, the object of the Regulation is to arrest the progress of the disease which may spread to extensive areas in no time. This is only an extension of the principle which would be applied in the case of human beings when they are subject to bubonic plague or small-pox or any other infectious disease. When the Government order segregation, under the law, of human beings to distant places, and when they are treated by the Government, the Government do not think of ever realising the cost of the treatment from the patients after recovery. I submit that, if the word 'animal' is substituted for 'man', the same principle should be applied, and that no difference should be maintained between the two in this respect. This is a matter in which the Council is interested. It may be a matter affecting public revenue, but I submit that there are certain matters in which the State has to legislate with a sort of grace. These infectious diseases do not come in often. They appear only by the way. The learned Mover was able to point out only one such instance, that of a case of anthrax in the Public Gardens. It is but a matter of small amount that may be needed, and we should not think of revenue in a sort of stinted manner. In these cases, there should be some grace. It is in that spirit that I second the amendment proposed by Mr. Subrahmanya Pillai."

Mr. Subba Aiyar:—

"I oppose the amendment. In the first place, what the Section provides is that the Government should take the responsibility to provide food and medicine to all the infected animals which are impounded in the hospital pound. If the animals recover, then alone the owners are asked to pay the cost of food and medicine. If the animals do not recover, the Government bear the loss. The amendment suggested by my friend is that, in the case of all animals other than agricultural live-stock, the owners may be asked to pay for food and treatment, but not in the case of agricultural live-stock. With reference to this, I do not think that any distinction should be made between the two cases. There will be practical difficulty in working the Regulation if the amendment is accepted. It may, in many cases, be difficult to distinguish between agricultural live-stock and other live-stock. There need not be any fear that, if the animal is impounded in the hospital pound, costly food or medicine would be provided, so as to make it difficult for the owner to pay the cost of the same. Under the Bill, provision is made for allowing the owners the liberty of providing their own food and medicine, and then, if the animal recovers, they will not be charged with anything at all. For these reasons, I submit that the amendment is undesirable."

Mr. Krishna Aiyangar:—

"The amendment does not take away the liability of the owner of the infected animal for the cost of *food* incurred by Government. It is only with reference to the value of the *medicine* supplied for curing the animal of its disease that some sort of exemption is claimed. If several lakhs could be spent on the treatment of men, I think that the Government need not grudge a few rupees for the benefit of the dumb creation, especially when they happen to be suffering from infectious diseases."

Mr. Subrahmanya Pillai:—

"Mr. Subba Aiyar seems to anticipate some difficulty in regard to the way in which agricultural live-stock could be differentiated from other live-stock. I may submit that the Government have already exempted such live-stock in the matter of their treatment in the Veterinary hospitals and solved the problem. The hospital pound now proposed is only another hospital, and I think that the same concession should be granted in the case of these animals."

The motion was put to the vote and lost.

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SECTION 12.

Mr. Subrahmanya Pillai moved that the word 'wilfully' be inserted between the words 'whoever' and 'disobeys' in line 1, and said :—

"I am in favour of introducing a saving clause in this Section, so that only persons who wilfully and without sufficient reason fail to obey the orders, should be punished. As I have already said on a former occasion, there are a number of ryots whose sole wealth in this world is a pair of bulls with a country cart, or two buffaloes with a country plough. When any of their animals becomes diseased, the ryots may have to defray the cost of transporting the animal to the hospital pound, perhaps a few miles away. They may not be in a position to defray the expenses in such cases. I think we should not make the law so very rigid as to bring them also under the Section. The object of my amendment is that, in the cases mentioned above, the owners concerned, who fail to obey the orders under unavoidable circumstances, should be shown some consideration."

The motion fell through for want of seconding.

Mr. Gopala Pillai then moved that the words 'Section 7 or Section 9' in line 2 of Section 12 be deleted, and said :—

"Section 7 relates to disinfection and Section 9 to destruction. My object in moving the amendment is that the Government should take up the work of disinfection without fixing the responsibility upon private individuals, so that the provision under Section 7 may not be imperative upon the ordinary subject. Materials for disinfection may not be available to all the people. I submit therefore that it should be taken up by the Department. As regards Section 9, I submit, the Department should carry out the destruction instead of compelling the owner to do it and then making his disobedience penal."

Seconded by Mr. Subrahmanya Pillai.

Mr. Krishna Aiyangar:—

"So far as Section 7 is concerned, it contains a direction in the matter of disinfection. Section 9 does not contain any direction at all. I believe that has found a place in the Section by mistake. The expression 'cause to be destroyed' does not mean that the owner should be asked to destroy the animal himself. I am for the omission of the words 'Section 9' alone.

Mr. Subba Aiyar :—

"The words 'Section 7' cannot be deleted. That Section contains directions to disinfect the premises, and if the owner disobeys the order, he will be liable to be punished. I think that the words 'or Section 9' may be deleted."

President :—

"I find, on a reference to the corresponding Section of the British Indian Act, that disobedience of directions with reference to disinfection is made punishable, but not disobedience to the directions with reference to destruction. The word 'Section 9' may, I think, be therefore deleted."

After some discussion, the council adopted the suggestion to delete the words 'Section 9' and to place the word 'or' before the words 'Section 7'.

SECTION 14—PARA 4.

Mr. Gopala Pillai moved that the words 'and wanting in good faith' be inserted after the word 'illegal' in line 1 of para 4 of Section 14.

Mr. Subba Aiyar accepted the amendment and it was carried.

The consideration of the Bill being over, Mr. Subba Aiyar moved that the Bill, as settled by the Council, be read again on a future day of which notice should be given.

Seconded by Mr. Mahadeva Aiyar.

Carried.

THE REVENUE RECOVERY REGULATION AMENDMENT BILL.

Mr. Subba Aiyar presented the report of the Select Committee on the Revenue Recovery Regulation Amendment Bill, and moved that the report and the Bill be taken up for consideration at once.

Seconded by Mr. Subrahmanya Aiyar.

Carried.

CLAUSE 4.

Mr. Govinda Menon moved that the words 'the lot is knocked down' be substituted for 'sunset on the day previous to that appointed for the sale' in the proposed Proviso to Section 33 of the Regulation, and said :—

"Sir,

My proposal is to leave the original Section 33 as it is. No reasons are urged for making the present change. I submit that it is an encroachment upon the rights of the individual already conferred upon him. According to the Civil Procedure Code, the debtor is allowed to deposit the amount up to the very last moment, *i. e.*, till the lot is knocked down, and, if once the lot is knocked down, the man will have to pay the amount plus 5 per cent. of the purchase

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